


NEPA AND Source Water Protection

Plans and Projects



NEPA

- Incorporates environmental considerations in agency decision making
 - Environmental Impact Statements for proposed major Federal actions that could “significantly” affect the environment
 - Consult with and obtain comments of agencies with jurisdiction by law or special expertise
 - Leads to a more informed, environmentally sound decision
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EPA Role in NEPA

Agency Jurisdiction

- CAA
- CWA
- RCRA

Clean Air Act Section 309 Review
Independent Review Authority

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SECTION 309 AUTHORITY

➤ EPA may review:

- EIS's, EA, Scoping Notices
- Proposed Legislation and Regulations
- Newly authorized Federal projects for construction and any major Federal agency action

EPA REVIEW

- Assure full public disclosure of all foreseeable direct, indirect, and cumulative environmental impacts and mitigation
- Assure consistency with environmental and public involvement requirements of State and Federal laws, Executive Orders and policies

ENVIRONMENTAL LAWS

- NEPA – restore/maintain environmental quality, Federal Gov't trustee of environment for future generations, assure healthful, productive environment
- Clean Water Act – Water Quality Standards, TMDLs, Non-Point Source Pollution
- Safe Drinking Water Act – source water protection
- Clean Air Act – Air Quality Standards, Conformity, Class 1 Areas, Smoke Management Plans

Other: RCRA, FIFRA, TSCA, CERCLA, ESA, NHPA, etc.

Safe Drinking Water Act

- Section 1428 State Programs – Wellhead Protection
- Section 1428(h) Federal Agencies
- Section 1453 Source Water Assessments

EXECUTIVE ORDERS

- E.O. 11514 Protection and Enhancement of Environmental Quality
- E.O. 11644 Use of Off-Road Vehicles on Public Lands
- E.O. 11988 Floodplain Management
- E.O. 11990 Protection of Wetlands
- E.O. 12088 Federal Compliance with Pollution Control Standards
- E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- E.O. 13084 Consultation and Coordination with Indian Tribal Governments
- E.O. 13112 Invasive Species

Incorporating SWP into Plans and Project

- Identify Source Water Areas within your plans and projects
 - Federal ownership
 - Other ownership that overlaps public land boundary
 - Source water areas downstream or potentially affected by management activity

Incorporating SWP into Plans and Projects

- State-mapped Source Water Areas for federally-regulated public water systems
- State-regulated drinking water systems



Incorporating SWP into Plans and Projects

➤ State Contacts

➤ **Suzan Hill**, Alaska Department of Environmental Conservation, 907-269-7521, suzan.hill@dec.state.ak.us

➤ **David Risley**, Idaho Department of Environmental Quality, 208-373-0274, drisley@deq.idaho.gov

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David Jennings, Washington Department of Health, 360-236-3149, david.jennings@doh.wa.gov

Incorporating SWP into Plans and Projects

- Identify Land Management Activities that Have the Potential to Impact Source Water Areas



Incorporating SWP into Plans and Projects

- Inventory Potential Contaminant Sources
Within Source Water Areas,
- or
- Those That Have the Potential to Affect
Source Water Areas

Incorporating SWP into Plans

- Contact Public System Operator
 - Include this contact in the plan
 - Determine types of activities that would require notification of operator
 - Determine schedule for notification



Incorporating SWP into Plans

- If Source Water Protection is a significant issue for a project consider including it as a factor in the Alternative Analysis

Incorporating SWP into Plans and Projects

Select Appropriate
BMPs That Meet the
Goals of Source
Water Protection



Incorporating SWP into Plans and Projects

➤ Involve the Public and Tribes

- Notification of planned projects
- NEPA



Incorporating SWP into Plans and Projects

- Include Source Water Protection into design of monitoring plans

